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Date of Signature and Deposit: 1-17-07


Bennett J. Berson, Reg. No. 37,094

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Avshalom Caspi
Terrie E. Moffitt

Date: January 10, 2007

Serial No.: 10/617,453

Art Unit: 1634

Filing Date: July 11, 2003

Examiner: Juliet C. Switzer

Title: METHOD FOR ASSESSING BEHAVIORAL
PREDISPOSITION

File No.: 960296.99497

Confirmation No.: 5194

DECLARATION UNDER 37 C.F.R. § 1.132

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We, Avshalom Caspi and Terrie E. Moffitt, on oath say and declare that:

1. We are the same Avshalom Caspi and Terrie E. Moffitt who are the two named inventors of the above-identified patent application.
2. We have reviewed the July 17, 2006 Office Action issued in this matter by the U.S. Patent and Trademark Office. We understand that Claims 1-8 and 12-13 are rejected under 35 U.S.C. § 102(a) as being anticipated by Caspi A, *et al.*, "Role of genotype in the cycle of violence in maltreated children," Science 297:851-854 (2002). Caspi *et al.* lists eight (8) authors, as follows: Avshalom Caspi, Joseph McClay, Terrie E. Moffitt, Jonathan Mill, Judy Martin, Ian W. Craig, Alan Taylor and Richie Poulton. We are the persons listed as the first and the third authors of Caspi *et al.*

3. We also understand that Caspi *et al.* is considered to demonstrate invention "by another" because the authors of the paper differ from the inventors listed on the above-identified patent application.

4. The authors listed on the paper were those researchers who committed time, effort or resources to the research effort. In this declaration, we provide evidence that Caspi *et al.* describes our own work and that the authors not named as inventors on this application worked under our supervision and direction in connection with that research effort.

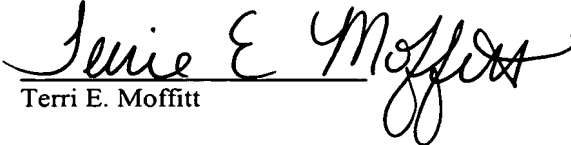
5. The authors of Caspi *et al.* did make research or resource contributions to the research work described in that paper. However, after careful consideration of the question of inventorship, we believe that the other authors of Caspi *et al.* -- Joseph McClay, Jonathan Mill, Judy Martin, Ian W. Craig, Alan Taylor and Richie Poulton -- did not make inventive contributions to the subject matter claimed in the above-identified patent application. Ian W. Craig is the Director of the genotyping facility in London. Richie Poulton is the director of the research unit that hosts our work in Dunedin, New Zealand. Joseph McClay and Jonathan Mill were student technicians who performed genotyping analyses in our laboratory. Judy Martin interviewed study participants in New Zealand. Statistician Alan Taylor confirmed the statistical results.

6. According to 35 U.S.C. § 25 and 37 C.F.R. § 1.68, we hereby declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 10 day of January, 2007.


Avshalom Caspi

Dated this 10 day of January, 2007.


Terri E. Moffitt